

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office  
Phone (415) 355-7900 Fax (415) 355-8566  
<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s): 14-15531

District Court/Agency Case Number(s): 3:10-cv-01255-SI

District Court/Agency Location: District Court for the Northern District of CA

Case Name: Haynie, et al. v. Harris, et al.

If District Court, docket entry number(s) of order(s) appealed from: Judgment - Doc # 96, Order Granting Motion to Dismiss - Doc #95

Name of party/parties submitting this form: Plaintiffs

Please briefly describe the dispute that gave rise to this lawsuit.

Several firearm owners were falsely arrested on charges of possessing assault weapons. The firearms were misidentified by the local police as controlled weapons. They were not. The plaintiffs suffered false arrest and imprisonment, costs of defense and temporary loss of arms protected by the Second Amendment. The Defendants have a statutory duty to issue regulations and/or legal interpretations to identify contraband weapons. The Defendants' affirmative acts and failure to act have had, and will continue to have, a chilling effect on a fundamental right.

Briefly describe the result below and the main issues on appeal.

The Plaintiffs' suit was dismissed pursuant to FRCP 12. The main issues on appeal will be plaintiffs' standing to seek injunctive relief against the defendants.

Describe any proceedings remaining below or any related proceedings in other tribunals.

None.

Provide any other thoughts you would like to bring to the attention of the mediator.

The plaintiffs and the California Department of Justice have already engaged in court-directed ADR in the District Court. They were not able to compromise the case.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

## **CERTIFICATION OF COUNSEL**

I certify that:

a current service list with telephone and fax numbers and email addresses is attached  
 (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list  
 may result in sanctions, including dismissal of the appeal.

Signature s/ Donald Kilmer

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for Plaintiffs/Appellants.

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

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Attorneys for Plaintiffs

NINTH CIRCUIT COURT OF APPEALS

MARK AARON HAYNIE, BRENDAN  
JOHN RICHARDS, THE CALGUNS  
FOUNDATION, INC., and THE  
SECOND AMENDMENT  
FOUNDATION, INC.,

Case No.: 14-15531

PLAINTIFF/APPELLANTS'  
MEDIATION SERVICE LIST

Plaintiffs,

vs.

KAMALA HARRIS, Attorney General  
of California, CALIFORNIA  
DEPARTMENT OF JUSTICE,

Defendants.

The undersigned represents Plaintiff/Appellants: MARK AARON HAYNIE, BRENDAN JOHN RICHARDS, THE CALGUNS FOUNDATION, INC., and THE SECOND AMENDMENT FOUNDATION, INC., in this matter and no others.

The remaining parties to this action are the Defendant/Appellees: KAMALA HARRIS, Attorney General of California, and the CALIFORNIA DEPARTMENT OF JUSTICE.

Plaintiff/Appellants are currently represented by:

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Dated: March 20, 2014

/s/ Donald Kilmer  
Donald Kilmer,  
Attorney for Plaintiffs